

Attorney Docket No.: **WSTR-0017K**
Inventors: **Gerhard and Otvos**
Serial No.: **10/541,771**
Filing Date: **November 30, 2005**
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REMARKS

Claims 1-15 are pending in this application. No new matter has been added. Applicants are respectfully requesting reconsideration of the restriction requirement in view of the following remarks.

The Examiner suggests that the application contains claims directed to more than one species of the generic invention. It is suggested that these species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1. The Examiner suggests the following species:

R₁ = nothing, 1 or 2 amino acids comprising Cys or Gly, or nucleic acid sequence (specify sequence);

R₂ = B cell determinant (specify), T cell determinant (specify), or targeting sequence (specify);

R₃ = B cell determinant (specify), T cell determinant (specify), or targeting sequence (specify);

R₄ = B cell determinant (specify), T cell determinant (specify), or targeting sequence (specify);

R₅ = amino acid sequence (specify) or nucleic acid sequence (specify);

Applicants are required to elect a single species of R₁, R₂, R₃, R₄, and R₅ to which the claims shall be restricted if no generic claim is finally held to be allowable. It is suggested that the species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features. It is suggested that the alternatives listed in R₁, R₂, R₃, R₄, and R₅ do not have a property or activity in

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common with the other alternatives, wherein within each alternative (e.g., B cell determinant) lie a plethora of species with mutually exclusive properties and activities (e.g., a B cell determinant for an influenza hemagglutinin epitope has no common property or activity with a B cell determinant for a poliovirus capsid epitope). It is further suggested that the claimed invention lacks a special technical feature, being anticipated by Kragol et al. ((2001) *Bioorganic & Medicinal Chemistry Letters* 11:1417-1420), which discloses a multiple antigen agent of Formula I including B cell and T cell determinants of influenza virus.

Applicants respectfully disagree and traverse this restriction requirement. Applicants have appreciated that by combining multiple T cell determinants and B cell determinants on the same antigenic construct, a prompt and strong immune response is achieved. Such an immune response is neither taught nor suggested by the cited prior art. In this regard, the instant construct imparts a general inventive concept. It is therefore respectfully requested that this restriction requirement be reconsidered and withdrawn.

However, in an earnest effort to be completely responsive to the present restriction requirement, Applicants elect the following species:

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R_1 = Cys-Gly; R_2 = an Influenzavirus T cell determinant; R_3 = an Influenzavirus B cell determinant; Xaa_1 is 0 and hence R_4 is absent; R_5 = alanine, with traverse.

Respectfully submitted,



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